

Bill No. 3-05
Concerning: Boards, Committees, and
Commissions – Specific Provisions
Revised: 9-23-05 Draft No. 4
Introduced: February 1, 2005
Expires: August 1, 2006
Enacted: September 27, 2005
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner and Leventhal

AN ACT to:

- (1) revise the composition, membership, and terms of certain County boards, committees, and commissions;
- (2) rename certain boards, committees, and commissions;
- [(3) require the County Board of Appeals to issue certain decisions in a timely manner;]
- (3) give the County Council the option to designate or decline to designate members of certain boards, committees, and commissions;
- (4) repeal [(the Advisory Committee on Consumer Affairs,)] the Partnership Board, the Citizens Review Panel Advisory Group, and the Collection Advisory Subcommittee of the Solid Waste Advisory Committee [(and the recreation area advisory boards)];
- (5) repeal the requirement that applicants for membership on the Commission on Landlord-Tenant Affairs submit financial disclosure forms;
- (6) expand the membership of the Silver Spring urban district advisory board; and
- (7) generally amend the County law regarding the membership, structure, and functions of boards, committees, and commissions.

By repealing

Montgomery County Code
[[Chapter 11, Consumer Protection
Section 11-3]]

[[Chapter 41, Recreation and Recreation Facilities
Section 41-25 through 41-30]]

Chapter 48, Solid Wastes
Section 48-42

By amending

Montgomery County Code
[[Chapter 2, Administration
Section 2-113]]

Chapter 5, Animal Control
Section 5-104

Chapter 8, Buildings
Sections 8A-8, 8A-31, and 8A-31A

Chapter 10B, Common Ownership Communities
Section 10B-3

Chapter 11, Consumer Protection
Section 11-7

Chapter 12, Courts
Sections 12-36, 12-39, and 12-41

Chapter 17, Electricity
Section 17-12

Chapter 19, Erosion, Sediment Control and Storm Water Management
Section 19-49

Chapter 24, Health and Sanitation
Sections 24-23, 24-41, 24-54 through 24-56, and 24-59

Chapter 27, Human Rights and Civil Liberties
Sections 27-26, 27-41, 27-49A, 27-54, and 27-63

Chapter 29, Landlord-Tenant Relations
Section 29-9

Chapter 32, Offenses-Victim Advocate
Section 32-25

Chapter 33, Personnel and Human Resources
Section 33-59

Chapter 41, Recreation and Recreation Facilities
Section 41-21 and 41-22

Chapter 48, Solid Wastes
Section 48-40

Chapter 57, Weapons
Sections 57-2 through 57-5

Chapter 68A, Montgomery County Urban Districts
Section 68A-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act

Sec. 1. [[Sections 11-3, 11-7, and 41-25 through 41-30 are]] Section 48-42 is repealed, and Sections [[2-113,]] 5-104, 8A-8, 8A-31, 8A-31A, 10B-3, 11-7, 12-36, 12-39, 12-41, 17-12, 19-49, 24-23, 24-41, 24-54 through 24-56, 24-59, 27-26, 27-41, 27-49A, 27-54, 27-63, 29-9, 32-25, 33-59, 41-21, 41-22, 48-40, 57-2 through 57-5, and 68A-5 are amended as follows:

2-113. Procedures.

* * *

[(e) The Board must issue final written decisions in a timely manner.]

5-104. Animal Matters Hearing Board.

* * *

(a) **Membership.**

(1) The Animal Matters Hearing Board consists of 5 members appointed by the County Executive and confirmed by the County Council. The Board must include:

(A) [a veterinarian or veterinary technician] a representative of
licensed animal fanciers;

(B) a representative of the [Montgomery] County Humane Society; and

(C) 3 public members[, including a representative of licensed animal fanciers].

* * *

(f) *Support.* The Chief Administrative Officer must provide the services and County facilities that are reasonably necessary for the Board to perform its duties. The County Attorney must provide legal counsel to the Board. The Chief Administrative Officer ~~[[must]]~~ may employ or retain a veterinarian to furnish technical expertise as the Board needs.

8A-8. Application for grant, renewal, modification, or transfer of a franchise.

* * *

(i) Within 10 business days after receiving an application for a new franchise for an overbuild, the County Executive must decide whether to accept or reject the application for filing.

(1) If the Executive rejects the application for filing, the Executive must specify the additional information required to accept the application for filing. The applicant may resubmit or supplement the application with the additional information, and the Executive must reconsider, within the 10-day deadline, whether the application is acceptable for filing.

(2) When the Executive accepts the application for filing, the Executive must make the application available for public inspection and forward the application to the [Cable Communications] Telecommunications Advisory Committee for review and comment.

* * *

8A-31. [Cable Communications] Telecommunications Advisory Committee.

(a) *Established.* The [Cable Communications] Telecommunications Advisory Committee [is established to] may provide advice and recommendations to the County Executive, County Council, and the Department of Technology Services on all telecommunications issues, including the administration of this Chapter and any franchise agreement or application. [[The Advisory Committee must designate subcommittees on cable and satellite issues, emergency response

systems, telephone, internet issues, budgets, and any other issue it finds necessary.]]

(b) The [Cable Communications] Advisory Committee should meet quarterly or [on a] more [frequent basis] frequently if requested by the County Executive or County Council or if the [chairperson] Chair or Committee [determines] finds it necessary.

(c) The [Cable Communications] Advisory Committee must [include at least 13 and not more than 19] have 15 voting members appointed by the [County] Executive and confirmed by the Council for 3-year terms. The members ~~[[must]]~~ should broadly represent ~~[[the]]~~ technology areas ~~[[listed in subsection (a).]]~~

* * *

8A-31A. Cable Compliance Commission.

* * *

[(d) *Insufficient initial quorum.* The Executive must appoint 5 members of the Commission and submit the appointments for confirmation by the Council by March 15, 2003. If the Council has not confirmed at least 3 appointees by May 15, 2003, the Cable Communications Advisory Committee established under Section 8A-31 must perform the functions of the Commission until at least 3 members of the Commission are confirmed by the Council.]

* * *

10B-3. Commission on Common Ownership Communities.

* * *

(b) Designees of the County Council (if the Council selects a designee), Planning Board, Department of Environmental Protection, Department of Permitting Services, Department of Public Works and

Transportation, and Department of Housing and Community Affairs are ex-officio nonvoting members of the Commission.

* * *

- (e) Section 2-148[[~~(c)~~](b)] applies only to voting members of the Commission.

* * *

11-7. Procedures and enforcement.

- (a) After receiving a complaint under Section 11-6, the Director may investigate the facts and issues. In that investigation the Director may use the authority granted in Section 11-2. Whenever appropriate, the Director may refer a complaint to the state Real Estate Commission, the Consumer Protection Division of the state Attorney General's office, or the Federal Trade Commission. If the Director finds reasonable grounds to believe a violation has occurred, the Director must attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and any representatives the parties may choose to assist them. [In attempting a conciliation to assist a complaining consumer in resolving the consumer's individual dispute, the Director may utilize the good offices of the Advisory Committee on Consumer Affairs.] Conciliation conferences are informal, and nothing said or done in a conciliation conference may be made public by the Department, the Committee, or its members unless the parties agree in writing to make the matter public.

* * *

12-36. Commission on juvenile justice; composition; appointment; terms; vacancy.

(a) The Commission on Juvenile Justice consists of the following 4 classes of members:

- (1) 23 voting members appointed by the County Executive, subject to confirmation by the County Council;
- (2) ~~[[10]]~~ 11 voting members, representing each of the following: the Council, the Executive, the State's Attorney, the Family Division of the Circuit Court, the Police Department, the state Department of Juvenile Justice, the County Office of the Public Defender, the Court Appointed Special Advocate, the Department of Health and Human Services (2 members, one representing child welfare services and one representing community-based services for at-risk youth), and the Board of Education, in each case appointed by the Executive, subject to confirmation by the Council, after receiving a recommendation from the person or office to be represented; and
- (3) ~~[[the County juvenile division judges, who are ex officio voting members of the Commission; and]]~~
- ~~[[4]]~~ nonvoting members emeritus, who are past members who have given outstanding service and possess special expertise in juvenile matters. Members emeritus may be appointed by the Executive, subject to confirmation by the Council.

* * *

12-39. Reports.

* * *

(b) *Annual report.* By October 31 of each year, the Commission must prepare an annual report for the ~~[[juvenile division of the District Court,]]~~ Circuit Court, Council, and Executive, including its:

- (1) activities, accomplishments, problem areas, and recommendations;
- (2) goals and objectives for the next calendar year; and
- (3) [[annual]] evaluation of programs and services for juveniles provided or funded by the County, the state Department of Juvenile Justice, and the federal government.

- (c) *Workplan.* By June 30 of each year, the Commission must prepare and submit to the Council, Executive, and [[juvenile division of the District Court]] Circuit Court Administrative Judge a workplan for the next fiscal year. The Commission may amend the workplan at any time during the fiscal year. The workplan should describe how the Commission will monitor and evaluate the programs under its jurisdiction.

12-41. Functions.

The Commission must:

- (a) Advise the [[juvenile division of the District]] Circuit Court, Council, and Executive on the needs and requirements of juveniles under the Court's jurisdiction.

* * *

- (h) Independently evaluate County-funded juvenile justice programs and services, including those from the [[Family Division of the]] Police Department, the State's Attorney, and the Department of Health and Human Services. The evaluation should address whether capacity in these areas is adequate and assess the effectiveness of these programs and services. If sufficient information on the effectiveness of any program is not available, the Commission should note that fact.

17-12. Created; composition.

[There is hereby created] The County Executive must appoint, subject to confirmation by the Council, a Board of Electrical Examiners, composed of [five (5)] 5 voting members, who must be residents of the County[, constituted as follows:].

(a) One [(1) members shall be the holder of] member must hold a [valid, current Montgomery] County master electrician's license.

(b) Two [(2)] members [shall] must be [active at the time of their appointment] when appointed, or [shall] must shall have had previous experience as, an electrical contractor, electrical contractor limited, or [shall] must otherwise be technically qualified [to determine proficiency] in [the electrical field] electricity.

(c) One [(1)] member [shall] must represent the general public.

(d) One [(1)] member [shall] must be a professional engineer, [duly registered and] licensed in [accordance with the requirements of] Maryland [state law] and [who has training and experience] experienced in electrical engineering.

(e) The Executive may appoint a person who does not have any required professional qualification under subsections (a), (b), or (d), but who is otherwise technically qualified to assess proficiency in electricity.

[(e)] (f) [Such members of the department as shall be assigned] The Director may designate one or more Department employees as ex officio, nonvoting members [of the board by the director] to [ensure] promote coordination with the Department's fire inspection and prevention and electrical inspection activities [conducted by the department].

[(f)] (g) The [board chairman shall be designated by the county executive] Executive must designate one member of the Board as chair. If the [county] Executive does not designate a [chairman] chair, the Board [shall] must elect its own [chairman] chair. The Board [shall] must

select a vice-[chairman] chair and [such] any other [officers as it may
 desire] officer it finds necessary. The vice-[chairman shall in the
 absence of the chairman] chair must assume [all] the duties [and
 responsibilities of the chairman] of the chair when the chair is absent.

[(g) This section shall not be construed to affect the terms of those members
 of the board serving at the effective date of this law. All new
 appointments shall be made in accordance with its provisions.]

19-49. Administration.

* * *

(b) The County Executive, subject to confirmation by the Council, must
 appoint a Water Quality Advisory Group, composed of up to [three] 3
 non-voting representatives of government agencies and 15 voting
members. The voting members should consist of [three] up to 3
 representatives each of [[the public at large,]] academic and scientific
 experts, environmental groups, the agricultural community, and the
 business community, with the rest from the public at large. The
 [[Water Quality Advisory]] Group must recommend to the Executive
 and the Council by March 1 each year water quality goals, objectives,
 policies, and programs. Each member must be appointed for a 3-year
 term unless appointed to fill the balance of an unexpired term[, but the
 initial terms may be staggered]. The Group each year must select a
 chair and any other officer it finds necessary.

* * *

24-23. [[Montgomery County]] Commission on Health.

* * *

(e) The Commission consists of:

* * *

- (2) Two ~~[(2)]~~ nonvoting ex officio members, of whom:
- ~~[[a.]]~~ (A) One is a member of the County Council or the Council's designated representative, if the Council designates a Councilmember or Council representative;
- and
- ~~[[b.]]~~ (B) One is the County health officer.

* * *

24-41. Members; appointment.

* * *

- (c) *Nonvoting members.* The following should each designate one nonvoting ex-officio member of the Council:

- (1) County Executive;
- (2) County Council;
- (3) Health and Human Services Department;
- (4) Police Department;
- (5) Montgomery County Public School System;
- (6) Board of License Commissioners;
- (7) Department of Corrections and Rehabilitation
- (8) Mental Health Advisory Committee; and
- (9) [Advisory Board on Victims and their Families] Victims Services Advisory Board.

* * *

Article VII. [Advisory Board on Victims and Their Families] Victim Services Advisory Board

24-54. "Board" defined.

In this Article, "Board" means the [Advisory Board on Victims and Their Families] Victim Services Advisory Board.

24-55. Established.

Under Part III of Title 8 of the Health General Article of the [Annotated Code of] Maryland Code, this Article establishes the board.

24-56. Membership.

* * *

(b) The Board consists of:

(1) Nineteen voting members who are residents of Montgomery County, of whom:

[a.] (A) Five are from among the mental health, legal, medical, dental, and nursing professions;

[b.] (B) Ten may be members of the listed professions but represent the community as a whole; and

[c.] (C) One ~~[[is]]~~ should be a member of the clergy; and

[d. One is a representative designated by the Alcohol and Other Drug Abuse Advisory Council; and]

[e. One is a representative designated by the Mental Health Advisory Committee; and]

(2) Four nonvoting ex officio members, of whom:

[a.] (A) One is the Director of the Department of Health and Human Services;

[b.] (B) One is a representative of the State's Attorney;

[c.] (C) One is a representative of the Public Defender; and

[d.] (D) One is a representative of the Police Department.

* * *

(d) (1) The term of an appointed member is 3 years.

(2) A member ordinarily serves no more than 2 terms.

(3) The terms of appointed members are staggered [as required by the terms provided for appointed members of the Board on July 1, 1986].

[(1)] (4) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

[(2)] (5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

* * *

24-59. Duties of the Board.

(a) With the advice and assistance of the Department of Health and Human Services, the Board must:

* * *

(6) Provide input to the Governor's victim services program; [and]

(7) Act as a local advocate for victim services programming[.]; and

(8) Facilitate communication with the Alcohol and Other Drug Abuse Advisory Council and the Mental Health Advisory Committee by sharing minutes with those committees.

* * *

27-26. Partnership Fund for victims of hate/violence.

(a) *Fund established.*

(1) There is a Partnership Fund for victims of hate/violence.

(2) The Fund is created to compensate victims of hate/violence for personal injury and property damage caused by the hate/violence incident.

(3) The Commission on Human Rights must define what conduct is an act of hate/violence.

- (4) [The County Executive must determine who will administer the Partnership Fund.] The County Executive must designate a subcommittee of the Committee on Hate/Violence to administer the Partnership Fund. In this Section, *subcommittee* refers to this subcommittee.

[(b) *Board established.*]

- [(1) The Partnership Board has 7 members from the private sector appointed by the Executive and confirmed by the County Council.]

- [(2) Each member is appointed for 3 years. At the end of a term, a member continues to serve until a successor is appointed and confirmed.]

- [(3) A member of the Partnership Board is not paid for service on the Board.]

[(c)] (b) *Contributions.*

- (1) The [Board] subcommittee should solicit and deposit private contributions to the Fund. The [Board] subcommittee may spend up to 10 percent of the Fund to publicize the Fund and solicit private contributions.

* * *

[(d)] (c) *Victim compensation.*

- (1) The [Board] subcommittee may pay a victim of hate/violence up to \$2,000 from the Fund for each incident of hate/violence to compensate the victim for property damage caused by the hate/violence incident.
- (2) The [Board] subcommittee may pay a victim of hate/violence up to \$4,000 from the Fund for each incident of hate/violence to

322 compensate the victim for personal injuries caused by the
323 hate/violence incident. Personal injury awards must be limited
324 to actual damages for medical expenses, psychological services,
325 or lost wages. [(i)] Lost wages must be based solely on
326 employment income and must be calculated based on an
327 individual's gross average weekly wage immediately before the
328 incident of hate/violence.

329 (3) A victim of hate/violence may not receive more than \$8,000
330 from the Fund in any 12-month period.

331 [(e)] (d) *Police report.* A police report, filed over the telephone or in person
332 to an appropriate law enforcement agency within 7 days after an act of
333 hate/violence occurred or was discovered, must be submitted with all
334 claims. The [Board] subcommittee may waive this requirement if an
335 individual had good cause for not filing a police report.

336 [(f)] (e) *Reduction of compensation.* The [Board] subcommittee must reduce
337 any payment from the Fund by any amount the victim receives or is
338 entitled to receive from any private or public source as compensation
339 for damages from the hate/violence incident. [(i)] The [Board] Fund
340 may pay for lost wages only to the extent that compensation is not
341 available from an employer for vacation, sick, or any other type of
342 leave, insurance, the State victim compensation program [under
343 Maryland Code, Criminal Procedure Article Section 11-811], the
344 County victim assistance program [under Section 32-25], or any other
345 source arising from the same incident.

346 [(g)] (f) *False claims.* Any person who makes a false claim under this
347 Section:

348 (1) commits a Class A violation; and

(2) must reimburse the Fund for any payments received under this Section.

[(h)] (g) *Regulations*. The County Executive may adopt regulations to implement this Section under method (2).

27-41. Creation and organization.

* * *

(d) *Appointment; term of office.*

(1) Public Official Members. The County Executive must appoint, subject to confirmation by the County Council, officials of the County government and other public agencies in the County, or voting representatives of the officials, to serve on the Board.

The Council may, in its discretion, recommend a Councilmember or other Council representative to serve on the Board. The Executive must consider for appointment public officials recommended by the Board. The Executive (who is not subject to confirmation), or the Executive's designee, is a public member of the Board. Public-official members, or their representatives:

(A) collectively must comprise at least one-third of the membership of the Board; and

(B) serve at the pleasure of the Executive.

(2) [(A)] Private Organization Members. The [County] Executive must appoint, subject to confirmation by the [County] Council, representatives of the private organizations to serve on the Board. These members serve [a 4-year term] either a 1-, 2-, or 3-year term, as designated by the Executive. In appointing members under this

376 subparagraph, the Executive must consider individuals
377 and organizations recommended by the Board. The
378 terms of private organization members end October 1 of
379 the appropriate year.

380 [(B) Alternates. The County Executive may appoint, subject
381 to confirmation by the County Council, an alternate for
382 each private organization member to vote at meetings
383 when the member is absent. The alternate serves for the
384 same term as the member. The alternate succeeds to the
385 position of the member for the balance of the unexpired
386 term if the member resigns or fails to serve as specified
387 in the bylaws.]

388 (3) Low-Income Representatives.

389 (A) The [County] Executive must appoint, subject to
390 confirmation by the [County] Council, members who
391 represent low-income County residents. In making an
392 appointment under this subparagraph, the Executive must
393 consider the recommendation of the Community Action
394 Board regarding a candidate selected by low-income
395 County residents. Low-income representative members
396 serve [a term of 4 years.] either a 1-, 2-, or 3-year term,
397 as designated by the County Executive. The Board must
398 recommend to the [County] Executive an individual to
399 fill any vacancy on the Board. The terms of all members
400 representing low-income residents end October 1 of the
401 appropriate year.

402 (B) The Board must establish a democratic procedure for
403 low-income residents to select candidates for nomination,
404 each of whom must live in a specific geographic area of
405 the County. Individuals participating in the selection of a
406 candidate must be at least 18 years old, reside in the
407 specific geographic area of the County, and have income
408 that does not exceed the limits established under
409 subparagraph (D).

410 [(C) The County Executive may appoint, subject to
411 confirmation by the County Council, an alternate for each
412 low-income member. The alternate may vote at meetings
413 in the absence of the member. The alternate serves for the
414 same term as the member. The alternate must live in the
415 area that the alternate represents. The alternate succeeds
416 to the position of the member for the remainder of the
417 unexpired term if the member resigns or fails to serve as
418 specified in the Agency by-laws. If the alternate
419 succeeds to the member's term, the County Executive
420 may appoint, subject to confirmation by the County
421 Council, a new alternate recommended by the Board.]

422 [(D)] (C) For each person nominated [as a member or alternate
423 member of the Board] under this paragraph, the
424 Executive must explain in writing to the Council how the
425 nominee was selected by a democratic method designed
426 to ensure that the nominee is representative of the poor in
427 the area the nominee would represent.

428 [(E)] (D) A low-income person, for the purpose of this article,
 429 is a person whose income does not exceed amounts
 430 [established] set by [the County] Executive order after
 431 considering the recommendations of the Board.

432 (4) Vacancies. Except as provided in paragraph (5), each member
 433 of the Board continues to serve after the member's term expires
 434 until the Council confirms a successor, who serves the
 435 remainder of the member's term.

436 (5) A private-organization member [or alternate] selected under
 437 paragraph (2) or a low-income representative [or alternate]
 438 selected under paragraph (3) must not serve on the Board for
 439 more than 5 consecutive or 10 total years. [A person's service
 440 on the Board includes service as either a member or alternate
 441 member of the Board.]

442 (e) *Officers of the Board.* The officers of the Board are the chair, vice-
 443 chair, and secretary, elected annually by the Board [according to]
 444 under procedures [established] adopted by the Board. [An alternate
 445 must not serve as an officer of the Board.]

446 * * *

447 **27-49A. Citizens Review Panel for Children.**

448 (a) *Creation.* The Citizens Review Panel for Children is established.

449 (b) *Appointment.* The County Executive must appoint the members of the
 450 Citizens Review Panel, subject to County Council confirmation. The
 451 [County] Executive must appoint the chair and vice-chair of the
 452 Citizens Review Panel, subject to [County] Council confirmation. A
 453 member of the Citizens Review Panel may recommend individuals to
 454 the [County] Executive to serve as the chair and vice-chair.

(c) *Membership.*

(1) The Citizens Review Panel has 9 to 14 members.

(A) The Executive must appoint 7 members. [Up to] No more than 3 members may be members of the Commission on Children and Youth who are separately confirmed by the Council as Panel members.

(B) One member each must be a County resident [appointed] selected under State law by:

(1) the State Citizens Review Board for Children; and

(2) the State Council on Child Abuse and Neglect.

(C) The Executive may appoint, subject to confirmation by the Council, not more than 5 additional non-voting members to provide technical and professional advice to the Panel about child protective services. These members must have experience in preventing and treating child abuse and neglect, such as child advocates, volunteers of the court-appointed special advocate program, attorneys who represent children, parent and consumer representatives, and health and human services professionals. These members each serve a term of 3 years. A panel member should consider the advice of these members, but must exercise independent judgment in evaluating their advice.

(2) Each member of the Panel must be a volunteer who:

(A) exercises the member's own free will in all deliberations of the Panel;

- (B) acts independently of any outside influence, particularly the member's employer;
- (C) does not represent any agency or organization; and
- (D) is not a County or State employee, or spouse or domestic partner of an employee, whose participation would be inconsistent with County Council policies regarding appointment of government employees to boards, committees, and commissions.

* * *

[(j) *Advisory group.*]

[(A) The County Executive may appoint, subject to confirmation by the County Council, up to 5 members of a Citizens Review Panel Advisory Group to provide technical and professional advice to the Panel about child protective services. Each member of the Advisory Group must have expertise in the prevention and treatment of child abuse and neglect, such as child advocates, volunteers of the court-appointed special advocate program, attorneys who represent children, parent and consumer representatives, and health and human services professionals.]

[(B) The term of a member of the Advisory Group is 3 years.]

[(C) A member of the Advisory Group:]

[(1) may participate in a matter before the Panel only at the request of the Panel; and]

[(2) must not participate in a vote or other action by the Panel.]

507 [(D) A Panel member should consider advice received from the
 508 Advisory Group in response to the Panel's request, but must
 509 exercise independent judgment in evaluating the advice.]

510 **27-54. Responsibilities of the Committee.**

511 The Committee should:

512 (a) ~~[[develop a mission statement that states its purpose and duties,~~
 513 ~~including creating]]~~ create a forum for all ethnic groups in the County,
 514 ~~[[helping]]~~ help to integrate diverse communities in the County, and
 515 ~~[[identifying]]~~ identify existing and potential problems and possible
 516 solutions.

517 ~~[(a)]~~ ~~(b)~~ advise the County Executive, County Council, and the Office of
 518 Minority and Multicultural Affairs on public policy that relates to
 519 ethnic affairs;

520 ~~[(b)]~~ ~~(c)~~ emphasize the richness of the lingual and cultural diversity in the
 521 County, including the promotion of interaction and interchange
 522 among ethnic groups;

523 ~~[(c)]~~ ~~(d)~~ ~~[work with including providing advice to]~~ advise the Office of
 524 Minority and Multicultural Affairs about the organization of an annual
 525 heritage festival ~~[in celebration of the]~~ to celebrate ethnic diversity
 526 ~~[of]~~ in the County;

527 ~~[(d)]~~ ~~(e)~~ ~~[work with including providing advice to]~~ advise the Office of
 528 Minority and Multicultural Affairs about ways of introducing and
 529 welcoming permanent and temporary residents from other countries to
 530 the County and integrating them into the community;

531 ~~[(e)]~~ ~~(f)~~ ~~[work with including providing advice to]~~ advise the Office of
 532 Minority and Multicultural Affairs about special needs of ethnic
 533 groups for public services, including interpreters, health, housing,

employment, and education, and monitor any programs [designed to]
that provide these services;

[(f)] (g) [work with including providing advice to] advise the Office of
Minority and Multicultural Affairs about [dissemination of] providing
information in as many languages as possible;

[(g)] (h) [work with including providing advice to] advise the Office of
Minority and Multicultural Affairs about promoting [maximum]
involvement of all ethnic groups in the government, business, and
community affairs of the County; and

[(h)] (i) [establish and maintain liaison] communicate with the Maryland
State Ethnic Heritage Commission and other comparable public and
private organizations.

27-63. Committee on Hate/Violence.

* * *

(e) *Duties.* The Committee must:

* * *

(5) advise the County Council, the County Executive, and County
agencies about hate/violence in the County, and recommend
[such] policies, programs, legislation, or regulations [as it finds]
necessary to reduce the incidence of acts of hate/violence; [and]

(6) submit an annual report by October 1 to the [County] Executive
and [the County] Council on the activities of the Committee,
including the source and amount of any contribution received
[from a public or private source] to support the activities of the
Committee[.]; and

(7) [[designate]] establish a subcommittee, with members
designated by the Executive under Section 27-26(a)(4), to

manage the Partnership Fund for Victims of Hate/Violence
[[established in Section 27-26]].

* * *

**29-9. Creation; composition; applicant disclosure; term of office;
compensation.**

* * *

(c) *[Applicant] Member disclosure.*

[(1)] Each [applicant for membership on] member of the Commission must[, when applying,] submit the [confidential] financial disclosure statement required [of Commission members] under Chapter 19A within 15 days after the Council confirms the member. [After reviewing the disclosure statement, the Executive or a designee may interview the applicant regarding any potential conflict of interest.]

[(2)] The Council may review the financial disclosure statement submitted by each person that the Executive appoints to the Commission. The Executive must destroy all statements submitted by other applicants after the Council confirms the Executive's appointment.]

* * *

32-25. Services available.

* * *

(b) (1) The victim advocate program may provide compensation to a victim under subsection (a)(4), replacement property under subsection (a)(5), and other financial assistance under subsection (a)(6) only to the extent that:

(A) compensation, replacement property, and other financial assistance are not available from insurance, the State victim compensation program, the Partnership Fund for victims of hate violence under Section 27-26[F], or any other source for the same purpose arising from the same criminal incident;

* * *

33-59. Board of investment trustees.

* * *

(b) *Membership.*

* * *

(3) The following 9 trustees must be appointed by the Executive and confirmed by the Council:

* * *

(D) Two [[representatives of]] persons recommended by the Council who are knowledgeable in pensions, investments, or financial matters. [[Before appointing each of these trustees, the Executive must consider, and should select from, a list of 3 to 5 individuals recommended by the Council.]] A 3-year term for these trustees ends on March 1 of every third year after each trustee is confirmed by the Council.

* * *

(h) *Meetings and actions.*

(1) The Board must meet at least once during each calendar quarter. The chair, or [[5]] 7 members of the Board, may call a meeting of the Board, in the manner and at times and places

provided under the policies of the Board. The Board is a public body under the State Open Meetings Act.

- (2) A. ~~[[Five]]~~ Seven trustees constitute a quorum.
- B. Each trustee has one vote.
- C. ~~[[Five]]~~ Seven trustees must agree for the Board to act.

* * *

41-21. Recreation board.

* * *

(b) The voting members of the Board are:

- (1) 1 [representative from each recreation area advisory board] [[representative from each Regional Service Center's Citizens Advisory Board]] representative from each recreation area advisory board; and
- (2) 15 members appointed from the County at-large to represent a cross-section of the population of the County.

(c) The ex officio, nonvoting members of the Board are:

- (1) a representative of the Department of Parks of the Maryland-National Capital Park and Planning Commission;
- (2) an administrative representative of the Board of Education;
- (3) the immediate past [chairperson] Chair of the County Recreation Board, unless [serving] that person serves on the Board in another capacity;
- (4) a representative of the Office of Community Use of Public Facilities;
- (5) a representative of the Community Action ~~[[Committee]]~~ Board;
- (6) a representative of the Commission on Aging; and

(7) a representative of the Commission on People with Disabilities.

[(d) There are 4 alternate members appointed from the County at large.

Alternate members must be designated first, second, third, and fourth alternates. Alternate members may participate in Board discussions, but may not vote unless acting in place of an absent Board member. In the event a vacancy is created by the resignation of a regular Board member, an alternate immediately fills the vacancy according to the order of designation and has the rights and obligations of a regular Board member for the remainder of the unexpired term.]

41-22. Same-Duties and responsibilities.

The [county recreation board shall coordinate the efforts and activities of the recreation area advisory boards and shall have the following county-wide duties and responsibilities] County Recreation Advisory Board must:

(a) Study the recreation services and needs of the [county.] County;

(b) Act in an advisory capacity to the [director] Director of [recreation] Recreation, the [county executive] County Executive and the [county council] County Council in matters relating to recreation policies and services.

(c) Assist in developing and maintaining cooperative relationships with the [board] Board of [education] Education, the Maryland-National Capital Park and Planning Commission, and the various voluntary agencies [within the county] in the County in matters affecting recreation programs and services.

(d) Interpret recreation policies and programs to the [county council] County Council and to the public.

(e) Recommend to the [director] Director items the Board believes should be included in the budget.

- (f) Review plans for new facilities and make recommendations to the [director] Director concerning them.
- (g) Appear at special [department] Department of [recreation] Recreation functions and visit recreational programs and activities from time to time.
- (h) [[Collaborate with the various Regional Service Center Citizens Advisory Boards on area recreation issues]] Coordinate the activities of the recreation area advisory boards.

[[41-25. Recreation area advisory boards-Created.[]]]

[[In each recreation area created pursuant to this article, there shall be one (1) recreation area advisory board which shall serve as the representative body for such area on recreation matters.[]]]

[[41-26. Same-Purpose; goals and opportunities.[]]]

[[The recreation area advisory boards shall encourage the development of desirable recreational and park opportunities in the designated recreation areas of the county, so that all the people may live enriched lives, find greater enjoyment and happiness, have better mental health, greater physical vitality and deeper moral strength. To accomplish this purpose, each board shall be concerned with the following recreational goals and opportunities:

- (a) Opportunities that reflect the interests and needs of recreation area residents.
- (b) Opportunities within the financial ability of all the people.
- (c) Equality of opportunity for all people, regardless of race, origin, religion, age or sex.
- (d) Year-round opportunity for all ages and both sexes.

- (e) A wide range and diversity of individual choices (e.g., camping, dance, drama, athletics, fine arts, performing arts, games, music, social recreation, crafts and special events).
- (f) A balanced emphasis within the range of individual choices.
- (g) Opportunities for varying degrees of skill.
- (h) Opportunities for the individual, the family and groups.
- (i) Opportunities for progressive advancement.
- (j) Opportunities for creative expression.
- (k) Active and passive opportunities.
- (l) Opportunities that utilize other community resources.
- (m) Relating opportunities to other community agencies.
- (n) Opportunities for residents to participate in recreational planning.
- (o) Assistance to individuals and groups seeking their own opportunities.
- (p) Indoor and outdoor recreation opportunities centrally located and easily accessible.
- (q) Advice on the acquisition of open space to satisfy recreational pursuits, prevent overcrowding, make the district a more attractive place to live, conserve wooded areas and stream valleys, preserve historical, geological and horticultural features, and preserve areas of natural beauty.
- (r) Recreation grounds and facilities based upon user interests and needs and population ratio.[]

[[41-27. Membership.[]

- [[a) Each recreation area advisory board consists of 9 members and 2 alternates, each of whom resides in the designated recreation area. Each member is appointed by the county executive, subject to confirmation by the county council. Individual appointments to a

board must reflect a wide diversity of recreational interests. The Executive must consider geographical representation from different neighborhood centers in the recreation area. In order to maintain continuity on each recreation area advisory board, the Executive must appoint 3 members of each board annually and appoint the 2 alternates every 3 years. Each member serves 3 years or until a successor is confirmed. A regular board member must not serve more than 2 consecutive full terms, but any member may be reappointed after a lapse of one year. A vacancy occurring before a term expires is filled for the remainder of the unexpired term of the predecessor. Appointments to unexpired terms are not a full term.

(b) When the Executive appoints an alternate member of a recreation area advisory board, the Executive must designate whether the appointee would serve as the primary or secondary alternate. Alternate members may participate in board discussions but must not vote unless acting for an absent board member. When a board member resigns, the first alternate becomes a full member for the remainder of the former member's term and the second alternate becomes the first alternate.

(c) A municipality with an active recreation program in a designated County recreation area may designate one or more representatives to serve as non-voting, ex officio members of the recreation area advisory board for that area.

(d) The members of each board serve without compensation. The department of recreation must designate a department employee to advise each board, and the director of the department must ask the

Maryland-National Capital Park and Planning Commission to have a staff member present at meetings of each board.[]]

[[41-28. Same-Chairperson and vice-chairperson.[]]

[[The chairperson and vice-chairperson shall be elected by each recreation area advisory board from among its members. The term of the chairperson and vice-chairperson shall be one (1) year, and each shall be eligible for reelection for an additional one-year term. No chairperson or vice-chairperson shall serve consecutively for more than two (2) years.[]]

[[41-29. Meetings; quorum.[]]

[[Each recreation area advisory board meets in public session on call by the chairman as frequently as necessary to perform its duties, but not less than 10 times annually. Reasonable notice must be given for all meetings of the board. A majority of the members of the board is a quorum for the transaction of business, and a majority vote of those present at any meeting is required for any action taken by the board.[]]

[[41-30. Duties.[]]

[[Each board must advise the county recreation board, the county executive, the county council, the director of the county department of recreation, and the Montgomery County Planning Board about the appropriate number and nature of recreation programs, neighborhood and community parks, and facilities for leisure activities and the well-being of county residents. A board also may:

- (a) Study and appraise the existing and future recreation needs of its recreation area in terms of program, facilities and services, and suggest plans to meet those needs.
- (b) Provide general comments on annual budget requests for recreation and parks, programs and facilities.

- 772 (c) Support high standards in recreation leadership and in quality of
773 program service.
- 774 (d) Encourage cooperation with other related agencies and assist in
775 correlating community forces for the development of recreation and
776 parks.
- 777 (e) Render advice on the design and layout of recreation grounds and
778 facilities.
- 779 (f) Advise the county council on legislative and budgetary matters
780 regarding recreation.
- 781 (g) Inform the Regional Citizens Advisory Board about matters related to
782 recreation and parks, and collaborate with the Regional Board on
783 planning, conservation, environment, and other issues that affect park
784 and recreation facilities and services.[]]

785 **48-40. Officers; committees; bylaws; meetings; quorum.**

- 786 (a) [[The chairman and the vice-chairman of the committee shall be
787 appointed by the county executive, subject to confirmation by the
788 county council.]] The Committee [[is authorized to]] may elect a
789 chair, vice-chair, and other officers, [[to]] establish subcommittees of
790 its members and [[such]] other subcommittees from outside its
791 membership [[as the committee may deem advisable to assist the
792 committee in the discharge of its duties and responsibilities]], and
793 [[to]] adopt bylaws [[and rules and regulations for the]] to conduct
794 [[of]] its affairs [[as it deems desirable]].
- 795 (b) The Committee meets in public session on call by the [[chairman]]
796 chair as frequently as necessary to perform its duties, but not less than
797 once each quarter of any calendar year. Reasonable notice must be
798 given for all meetings [[of the committee]]. A majority of the

members [[of the committee]] is a quorum for the transaction of business, and a majority vote of those members present at any meeting is required for any action [[taken by the board]].

[[48-42 Solid waste collection advisory subcommittee.]]

[[a) There is a Solid Waste Collection Advisory Subcommittee of the Solid Waste Advisory Committee. The Subcommittee consists of 5 members of that Committee. Members of the Collection Advisory Subcommittee must be designated by the County Executive and confirmed by the County Council when those members are appointed and confirmed to membership on the Solid Waste Advisory Committee. Three members of the Collection Advisory Subcommittee represent the collection industry, at least one of whom must be selected from among nominees submitted by a countywide association of collection firms; one member represents business users in the County; and one member represents the general public. In this Article, the "collection industry" means persons who:

- (1) actively engage in the collection and transportation of solid wastes or other waste materials in the County either individually, or through a firm, corporation or other business entity, and
- (2) hold licenses to collect or transport refuse issued by the Department, under Section 48-19, or who have a contract with the Department to collect and transport solid wastes under Section 48-29.

A chair of the Subcommittee must be appointed by the County Executive and confirmed by the County Council. Members of the

Collection Advisory Subcommittee serve for such terms as they serve on the Solid Waste Advisory Committee.]]

[[b) In addition to the 5 voting members of the Collection Advisory Subcommittee, there shall be on that subcommittee one ex officio, nonvoting member representing the Maryland-National Capital Park and Planning Commission.]]

[[c) The purpose of the Solid Waste Collection Advisory Subcommittee shall be to advise the Committee on all matters relating to solid waste collection, including but not limited to recommendations on:

- (1) The delineation of Solid Waste Collection Districts within the County.
- (2) The development rules and regulations defining operating procedures for all types of solid waste collectors.
- (3) The development of inspection and monitoring programs for solid waste collection.
- (4) Recommend routes for access of vehicles to solid waste acceptance facilities.]]

57-2. [Range Approval Committee] Firearm Safety Committee.

- (a) There is a [Range Approval Committee] Firearm Safety Committee with 7 voting members appointed by the County Executive and confirmed by the County Council. The voting members should be [knowledgeable by training and experience] trained and experienced in the safe and sportsmanlike use of weapons. [The voting members are appointed by the County Executive and confirmed by the County Council.] The [County] Executive must [designates] designate one voting member [of the Range Approval Committee] to serve as Chair. [An employee of the Department of Police must be a non-voting

member of the Committee.] The Police Range Officer must serve as a non-voting member of the Committee.

* * *

(c) The Committee must inspect any firing range operated by the Police Department every 3 years.

(d) The Committee must create a standard safety checklist to assure that all firing ranges are evaluated using the same criteria.

(e) The [Range Approval] Committee must keep a copy of each certificate.

57-3. Change in urban area boundary.

On February 1 each year, the County Executive, after consulting with the [Range Approval Committee] Firearm Safety Committee, must recommend to the County Council any appropriate change in the boundary of the urban area based on new development or reported incidents of weapons discharge near developed areas.

57-4. Discharge of guns in the urban area.

* * *

(a) on any indoor or outdoor target, trap, skeet, or shooting range that the [Range Approval Committee] Firearm Safety Committee has inspected and approved in writing;

* * *

57-5. Discharge of guns outside the urban area.

* * *

(b) Except as provided in Sections 57-7 and 57-11, a person may discharge a gun:

(1) on any indoor or outdoor target, trap, skeet, or shooting range that the [Range Approval Committee] Firearm Safety Committee has inspected and approved in writing;

* * *

68A-5. Advisory committees.

(a) *Composition.* Each urban district must have an advisory committee, or an urban district corporation board of directors, whose members are appointed by the County Executive and confirmed by the County Council.

(1) The Wheaton Urban District Advisory Committee has 13 members if there are 2 or more optional method developments; 12 members if there is only one optional method development; and 11 members if there are no optional method developments. The [County] Executive must strive to appoint the members so that:

[a.] (A) two members represent the Wheaton-Kensington Chamber of Commerce;

[b.] (B) two members represent businesses that employ fewer than 10 individuals;

[c.] (C) four members represent residential communities in the urban district or within 2 miles of the urban district;

[d.] (D) one member represents a residential community in or outside of the urban district and is [nominated by] a member of the Mid County Citizens Advisory Board;

[e.] (E) two members represent businesses that employ 10 or more individuals; and

[f.] (F) the remaining members represent optional method developers.

- 904 (2) The Bethesda [and Silver Spring] Urban District Advisory
 905 Committee[s have] has 8 members. The County Executive
 906 must strive to appoint the members so that:
- 907 [a.] (A) two members are persons nominated by the [respective]
 908 Bethesda Chamber of Commerce [of each urban district];
- 909 [b.] (B) three members represent optional method developers;
- 910 [c.] (C) one member represents a business that employs fewer
 911 than 10 employees;
- 912 [d.] (D) one member represents a residential community in the
 913 urban district; and
- 914 [e.] (E) one member represents a residential community in or
 915 outside of the urban district and is [nominated by the
 916 Citizens Advisory Board from the urban district.] a
 917 member of the Western Montgomery County Citizens
 918 Advisory Board.
- 919 (3) The Silver Spring Urban District Advisory Committee has 11
 920 members. The County Executive must strive to appoint the
 921 members so that:
- 922 (A) two members are persons nominated by the Greater
 923 Silver Spring Chamber of Commerce;
- 924 (B) three members represent optional method developers;
- 925 (C) two members represent a business that employs fewer
 926 than [[10]] 25 employees;
- 927 (D) three members represent a residential community in the
 928 urban district; and

(E) one member represents a residential community in or
outside of the urban district and is a member of the Silver
Spring Citizens Advisory Board.

[(3)] (4) The County Executive may reject [individuals] a person
 nominated to serve on an advisory committee and request
 additional nominations from the same source.

* * *

Sec. 2. Transition – Committee on Hate/Violence. Until January 1, 2009,
the members of the subcommittee of the Committee on Hate/Violence designated to
administer the Partnership Fund under Section 27-26(a)(4), as amended by Section 1,
need not be members of the Committee on Hate/Violence.

Approved:

Thomas E. Perez, President, County Council

Date

Approved:

Douglas M. Duncan, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date